

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Jeffrey M. Gray

v.

Civil No. 08-cv-443-PB

Lisa A. Sorenson

ORDER and REPORT AND RECOMMENDATION

Plaintiff seeks the appointment of a "guardian ad litem/next of friend/attorney for children" under Fed. R. Civ. P. 17(c).

Plaintiff has no right to be representing his children.¹ It is clear that a non-lawyer parent, appearing pro se, may not represent his children in federal court. See Ethan H. v. New Hampshire, 1992 WL 167299 (1st Cir. 1992); United States District Court District of New Hampshire Local Rule 83.6(b). Neither "28 U.S.C. § 1654 nor Fed. R. Civ. P. 17 (c) permits a parent to represent his/her child in federal court." Devine v. Indian River County Sch. Bd., 121 F.3d 576, 581 (11th Cir. 1997).

Unless an attorney appears for the minors within twenty (20) days, I recommend that they be dismissed from the case. Should counsel appear, a new motion under Rule 17(c) may be filed if counsel deems it appropriate. Plaintiff Gray's rule 17(c) motion

¹The record suggests that plaintiff's parental rights have been terminated, but for purposes of this order I will assume that is not so.

is denied.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).



James R. Muirhead
United States Magistrate Judge

Date: February 6, 2009

cc: Jeffrey M. Gray, pro se
Lisa Sorenson, pro se